

BEFORE CENTRAL HAWKE'S BAY DISTRICT COUNCIL

IN THE MATTER OF

the Resource Management Act 1991

AND

IN THE MATTER OF

Central Hawke's Bay District Council's
Proposed District Plan Hearing Stream 7 –
Network Utilities, Noise (Network Utilities),
Signs (Network Utilities), Renewable
Energy, Transport, and Designations

**STATEMENT OF EVIDENCE OF TOM ANDERSON
ON BEHALF OF
CHORUS NEW ZEALAND LIMITED,
SPARK NEW ZEALAND TRADING LIMITED AND
VODAFONE NEW ZEALAND LIMITED**

29 November 2022

Executive Summary

Chorus, Spark and Vodafone all operate telecommunications networks in Central Hawke's Bay. Under the Resource Management Act 1991 (RMA), telecommunication networks are regulated through a combination of the *Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016* (NESTF) and the relevant District Plan. The NESTF and the relevant District Plan need to provide regulations which are flexible enough to meet the changing demands of telecommunication infrastructure, while controlling inappropriate environmental effects.

Chorus, Spark and Vodafone all provided identical submissions on the Network Utility Chapter of the Proposed District Plan (PDP). There were 42 submission points in total on this chapter. On review of the Section 42A (s42A) Report, the Officer's recommendation on 38 of these points is acceptable and no further relief is being sought on those through this evidence.

The four points on which alternative relief is sought through this evidence relate to:

- A technical matter with the Officer's recommended definition of *maintenance*;
- The addition of a new Strategic Objective relating to infrastructure integration;
- Alignment between the NESTF and PDP in regards to the permitted activity thresholds for NU-R2; and
- Alignment between the NESTF and PDP in regards to the permitted activity thresholds for NU-S1.

The following provides a brief synopsis as to why alternative relief is being sought.

The Officer's recommended definition of *maintenance* only allowed for a line to be replaced with a *line of the same voltage*. Voltage is an electrical measurement only, however the definition of line in the PDP includes both electricity and telecommunication lines. As such, relief is sought through this evidence so that the definition of maintenance allows for the replacement of both electricity and telecommunication lines.

The telecommunication company submissions sought a new strategic objective seeking the integration at a strategic level between land development and the construction of infrastructure. The officer recommended that the point be rejected as such a strategic objective is not required by the National Planning Standards. While this is correct, the National Planning Standards do not prevent other strategic objectives being included in District Plans, and it is noted that other recently notified Proposed District Plans include strategic objectives relating to the integration of infrastructure with land development. Such integration is critical. In my view, providing direction

within the PDP at a strategic level is appropriate, as a strategic objective transcends all other chapters in a District Plan. Having such direction solely in the Network Utilities Chapter would mean that someone developing land under a zone based chapter would not necessarily review the Network Utilities Chapter, and the need to integrate the land development with the infrastructure that it needs could be overlooked. Efficiencies are achieved when infrastructure is provided for during land development, rather than being retrofitted in post completion of the development.

In terms of the alignment between NU-R2 and NU-S1 of the PDP and the NESTF, essentially what is proposed in the PDP is more restrictive permitted standards than what is allowed for under the NESTF. The NESTF does not provide for all telecommunication providers. Those providers that it does not apply to rely solely on the District Plan. By having a difference in the permitted standards, essentially what can result in is the same infrastructure requiring a resource consent under the PDP if it is established by one provider (who cannot rely on the NESTF) while the same infrastructure is a permitted activity if it is established by a different provider who can rely on the NESTF. There is no difference in effects resulting from the infrastructure.

This evidence also seeks that the conditions on the Chorus and Spark designations in the Operative District Plan are not rolled over into the PDP. Rather than rely on conditions for designated sites, my preference is that the permitted regulations under the NESTF and PDP provide guidance for the Outline Plan of Works process under the RMA for any new infrastructure that is proposed on a designated site. Such an approach works for the majority of District and Unitary Councils in New Zealand, as it is minority of District Plans across the country that have conditions on Spark and Chorus designations. The Outline Plan of Works process requires an assessment of environmental effects similar to a resource consent application, and in my experience, the effects relating to telecommunications infrastructure are typically “less than minor” and therefore below the threshold for limited or public notification. Conditions on designations which are different to the permitted thresholds under the PDP and NESTF create an unnecessary inconsistency within the planning framework. I also note that other designated sites for other requiring authorities do not contain conditions, and consequently the Outline Plan of Works process will be applicable in those instances.

Professional Qualifications and Experience

1. My name is Tom Anderson. I am a Principal Planner at and a Director of Incite, a resource management consulting firm. My qualifications and experience are as set out in my evidence in chief for Hearing Stream 5 of the Central Hawke's Bay Proposed District Plan.
2. I reiterate that I have read and am familiar with the Code of Conduct for Expert Witnesses (section 5 of the Environment Court Consolidated Practice Note 2014). My evidence has been prepared in compliance with that code. In particular, unless I state otherwise, this evidence is within my area of expertise and I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.

Scope of Evidence

3. In preparing this evidence I have read all other submissions and further submissions relevant to the telecommunication companies' submissions and the s42A Reports for Hearing Stream 7. The relevant s42A Reports for matters raised in the telecommunication companies submissions are:
 - Section 42A – Network Utilities; and
 - Section 42A – Designations.
4. My evidence is structured into general subject areas as follows:
 - A summary of how telecommunication companies operate under the RMA;
 - General comments on the s42A Reports; and
 - Officer recommendations in contention.
5. It should be noted that the requested relief sought within my evidence is to the relevant provisions of the PDP as recommended in the relevant s42A Reports.
6. **Appendix 1** contains a table which summarises the telecommunication company submissions relevant to the s42A Report recommendations on those submissions, and whether I support acceptance of the Officer recommendations or alternative relief as sought through this evidence. As such, the table is intended to provide a succinct 'one stop shop' for the Panel to identify what outcomes the telecommunication companies are seeking from this hearing. The specific items of requested relief are also within my evidence.

Telecommunication Company Operations

7. In my evidence in chief for Hearing Stream 5, I outlined telecommunication company operations and how they work within the Resource Management Act 1991 context. This context is equally applicable to the network utility and designation provisions as it was for the Hearing Stream 5 matters that concerned Subdivision and primarily the definition of *Regionally Significant Infrastructure*.
8. Rather than repeating those matters in this evidence, the following is provided as a summary:
 - Telecommunications and radio communications infrastructure is a significant physical resource that is vital to all levels (local, regional, national and international) of social, cultural and economic wellbeing, as well as to health and safety, through allowing people and businesses to connect with each other.
 - There is independent national recognition, from agencies such as the New Zealand Infrastructure Commission Te Waihanga, outlining the importance of telecommunication infrastructure to modern society.
 - Society reflects this importance in terms of the number of telecommunication devices that are owned and operated, and the associated demand for ubiquitous connectivity for those devices, from both a social and economic wellbeing perspective.
 - Telecommunications have a significant role in the health and safety of all New Zealand communities. Chorus, Spark and Vodafone are all 'lifeline utilities' under the Civil Defence Emergency Management Act 2002.
9. Due to modern society's demand for telecommunication services, telecommunication infrastructure is subject to constant maintenance, modification and upgrading as the number of customers and services increase and changes in technology occur. To assist within this, the NESTF was promulgated with the purpose of providing for some aspects of telecommunication networks on a nationally consistent basis under the RMA.
10. However, the NESTF does not provide for all aspects of telecommunication network RMA requirements. Rather, it provides permitted activity standards for:
 - All new telecommunication cabinets, regardless of zone;
 - New antennas on existing or new poles in road reserve, regardless of zone;

- New antennas on existing or new poles outside road reserve in rural zones;
 - Upgrading of existing antennas, regardless of zone;
 - New or upgrade of existing antennas on buildings, regardless of zone;
 - Installation of small cell units, regardless of zone;
 - New telecommunication lines, including customer connection lines, regardless of zone; and
 - Certain earthworks associated with the above.
11. The above list is not comprehensive in terms of all telecommunication activities. For example, the NESTF does not contain any standards for new antennas and poles on land that is outside of legal road and zoned for any urban purpose (residential, industrial, town centre etc). These activities are instead provided for under the relevant District Plan.
 12. If the permitted standards in the NESTF for any of the above activities are exceeded, then the NESTF contains a mechanism which essentially is to default to the equivalent rule in the relevant District Plan (noting that if a permitted standard is exceeded under the NESTF, but would be permitted under the District Plan, resource consent would be required as a Controlled Activity).
 13. Likewise, if an activity is proposed in an area which is identified in the District Plan as containing a significant tree, has historic heritage values, is within a visual amenity landscape, is a significant habitat for indigenous vegetation or fauna, is an outstanding natural feature or landscape, or adjoins the coastal marine area, rivers or lakes, then the District Plan provisions are to be used instead of the NESTF provisions.
 14. Overall, the NESTF works with, rather than instead of, District Plans and therefore the provisions within District Plans remain important to telecommunication companies.
 15. Consequently, there is a need to ensure that District Plan provisions are flexible enough to meet changing customer and technology demands and needs while controlling inappropriate environmental effects and appropriately considering the benefits and technical/operational constraints of telecommunications infrastructure. The objective and policy framework for telecommunications is solely contained within District Plans as there is no national guidance in this regard.

General Comments on the s42A Reports

16. The s42A reports were comprehensive and provided appropriate guidance as to why recommendations had been made.

17. I accept the officer recommendations on the following telecommunication company submission points, and as such no further relief is sought on these matters¹:

- 117.003/118.003/119.003 – seeking deletion of the definition of Aerial;
- 117.004/118.004/119.004 – seeking retention of the definition of Antenna;
- 117.005/118.005/119.005 – seeking retention of the definition of Cabinet;
- 117.006/118.006/119.006 – seeking retention of the definition of Functional Need;
- 117.008/118.008/119.008 – seeking retention of the definition of Line;
- 117.010/118.010/119.010 – seeking retention of the definition of Mast;
- 117.011/118.011/119.011 – seeking amendments of the definition of Nationally Significant Infrastructure;
- 117.012/118.012/119.012 – seeking retention of the definition of Network Utilities or Network Utility;
- 117.013/118.013/119.013 – seeking retention of the definition of Network Utility Operator or Network Utility Operation;
- 117.014/118.014/119.014 – seeking retention of the definition of Operational Need;
- 117.015/118.015/119.015 – seeking amendments of the definition of Pole;
- 117.016/118.016/119.016 – seeking amendments of the definition of Radio Communication Facilities;
- 117.019/118.019/119.019 – seeking retention of the definition of Small Cell Unit;

¹ For reference, the s42A Reports allocate the following numbers to the telecommunication company individual submissions:

Chorus – 117
Spark – 118
Vodafone – 119

- 117.021/118.021/119.021 – seeking retention of the definition of Telecommunication;
- 117.022/118.022/119.022 – seeking the addition of a definition for Upgrading;
- 117.023/118.023/119.023 – seeking consistency for the abbreviation NESTF;
- 117.026/118.026/119.026 – seeking retention of the initial statement to the Network Utilities Chapter;
- 117.027/118.027/119.027 – seeking retention of the introduction to the Network Utilities Chapter;
- 117.028-030/118.028-030/119.028-030– seeking retention of the Issues section of the Network Utilities Chapter;
- 117.031/118.031/119.031 – seeking amendments to NU-O1;
- 117.032/118.032/119.032 – seeking amendments to NU-O2;
- 117.033/118.033/119.033 – seeking amendments to NU-O3;
- 117.034/118.034/119.034 – seeking amendments to NU-P1;
- 117.035/118.035/119.035 – seeking amendments to NU-P2;
- 117.036/118.036/119.036 – seeking amendments to NU-P3;
- 117.037/118.037/119.037 – seeking amendments to NU-P4;
- 117.038/118.038/119.038 – seeking amendments to NU-P5;
- 117.039/118.039/119.039 – seeking a new policy on infrastructure integration within the network utilities chapter;
- 117.040/118.040/119.040 – seeking a new policy recognising technological advances;
- 117.041/118.041/119.041 – seeking a new policy recognising when network utilities can be located in areas susceptible to natural hazards;
- 117.042/118.042/119.042 – seeking retention of NU-R1;
- 117.044/118.044/119.044 – seeking retention of NU-R3;

- 117.045/118.045/119.045 – seeking retention of NU-R4;
 - 117.046/118.046/119.046 – seeking retention of NU-R8;
 - 117.048/118.048/119.048 – seeking amendments to NU-S2;
 - 117.049/118.049/119.049 – seeking amendments to NU-S3;
 - 117.050/118.050/119.050 – seeking amendments to NU-S4; and
 - 117.051/118.051/119.051 – seeking amendments to NU-S5.
18. The Network Utilities s42A report contains four recommendations on telecommunication companies submission points for which alternative relief is sought and I provide evidence on these below.
19. In addition, the Designations s42A Report seeks more information from Chorus and Spark as to why those requiring authorities sought that in their Notice of Requirement that the conditions attached to those designations should be deleted. I explain my view on this below.

Officer Recommendation in Contention

Definition of Maintenance

20. Submission points 117.009/118.009/119.009 of the telecommunication company submissions sought that the definition of *maintenance* be retained as notified. In response to other submissions, the reporting officer recommends the following change to the definition through the s42A Report (recommended change shown as **underline and bold**):

*any replacement, repair or renewal work or activity necessary to continue the operation and/or functioning of an existing network utility. Includes the replacement of an existing line **of the same voltage**, building, structure or other facilities with another of the same or similar height, size and scale, within the same or similar position and for the same or similar purpose. **It does not include minor upgrading or upgrading.***

21. By limiting what is defined as maintenance of lines to replacement of the same voltage, the definition limits line maintenance solely to electricity lines. It should be noted that the definition of line as recommended in the s42A Report (which I support) includes both telecommunication and electricity lines).

22. In my view, the definition of maintenance should recognise both telecommunication and electricity lines, not just electricity. This can be achieved through the addition of the words “*or diameter*”. This means that the replacement of, for example, an existing 30mm diameter telecommunications line with a new 30mm diameter telecommunications line for purposes is, by definition, maintenance.

23. Requested Relief:

Amend the definition of Maintenance (as at Paragraph 14.3.24 of the s42A report) as follows (note **bold and underline** are changes as recommended in the s42A Report, **bold, double underline and red** are changes sought through my evidence):

MAINTENANCE

Specifically in relation to network utilities, ‘maintenance’ means:

*any replacement, repair or renewal work or activity necessary to continue the operation and/or functioning of an existing network utility. Includes the replacement of an existing line **of the same voltage or diameter**, building, structure or other facilities with another of the same or similar height, size and scale, within the same or similar position and for the same or similar purpose. **It does not include minor upgrading or upgrading.***

Provisions relating to Infrastructure Integration

24. Submission points 117.025/118.025/119.025 sought the addition of a Strategic Objective relating to the importance of infrastructure.

25. Submission points 117.039/118.039/119.039 sought the addition of a new policy to the Network Utilities Chapter seeking the integration between land development and infrastructure.

26. The intent of both submission points was to provide direction in the District Plan to ensure integration between land development and infrastructure provision, so that any new development in the Central Hawke’s Bay, regardless of its zoning, is appropriately serviced by infrastructure. As such integration is provided for up front, rather than as an after-thought.

27. The s42A Report recommends that both of the above points be rejected.

28. In terms of the Strategic Objective that was sought, the basis of the Officer's rejection is that the National Planning Standards do not require such direction to be provided as Strategic, noting that the National Planning Standards state that *key strategic or significant matters must be located under the Strategic direction heading "unless they are better located in other more specific chapters"* and that the Strategic Objective sought *relates broadly to infrastructure*. The Officer considers that the matters relating to infrastructure are discrete and therefore there is no need for a Strategic Objective².

29. In my view, while the National Planning Standards do not require an infrastructure integration strategic objective, Council's can still choose to include one should it be considered warranted. I note that there are Council's who have recently issues Draft or Proposed District Plan that do include an infrastructure integration strategic objective, including:

- Timaru's Proposed District Plan – Strategic Direction Objective 8 is entitled *Infrastructure* and reads:

Across the District:

- improved accessibility and multimodal connectivity is provided through a safe and efficient transportation network that is able to adapt to technological changes;*
- the provision of new network infrastructure is integrated and co-ordinated with the nature, timing and sequencing of new development;*
- drinking water supplies are protected from the adverse effects of subdivision, use and development;*
- the benefits of regionally significant infrastructure and lifeline utilities are recognised and their safe, efficient and effective establishment, operation, maintenance, renewal and upgrading and development is enabled while managing adverse effects appropriately.*

- Mackenzie's Proposed Plan Change 20 (as part of a rolling District Plan review) – Strategic Objective ATC-O3 is entitled *Infrastructure* and reads:

The importance of infrastructure to the District and beyond is recognised and provided for.

² The full reasoning is provided in Section 4.3 of the Network Utilities s42A Report.

30. Like the Council's in the above examples, I consider infrastructure recognition at Strategic Objective level to be warranted. Infrastructure, in my view, is critical to the functioning of an entire district. In terms of land development, the infrastructure to service such a development is best delivered as part of the initial works, rather than retrospectively.
31. There are key efficiencies that are achieved when infrastructure is delivered during the land development construction phase. From a telecommunications perspective, placing fibre within legal road while the road is being constructed is more efficient than having to dig a trench in a relatively new road to put fibre in. Likewise, having land set aside for a new cell phone tower from the outset (if needed) is more efficient than trying to retrospectively find a site.
32. With zone based planning provisions however, such integration is not provided for in the PDP. Further, such provisions traverse multiple chapters, not just network utilities or the zone chapters.
33. As such, in my view, a strategic objective relating to infrastructure integration is the most appropriate location in a District Plan to provide such guidance. Rather than the wording used in the submission, I prefer a more straightforward wording as utilised by Timaru District Council above. The nuance that was put forward in the submission point is achieved through the objective and policy framework in the Network Utility Chapter. The important point to achieve at Strategic Objective level is the integration between land use and infrastructure.
34. Given this, if the Panel was to include a Strategic Objective relating to the integration of infrastructure, I do not consider there to be a need to include such a policy in the Network Utility Chapter as sought by submission points 117.039/118.039/119.039 seeking the integration between land development and infrastructure.
35. I note that the Reporting Officer has misinterpreted this point in thinking it was about the co-ordination between different infrastructure providers, not the co-ordination between land development projects and the provision of the infrastructure needed to serve those. However, for the reasons given above, on reflection I do not think it is necessary to include such a policy in the Network Utilities chapter, as the matter traverses multiple PDP chapters, including network utilities, zone chapters and subdivision, a more effective approach in my view is an infrastructure integration strategic objective.

36. Requested Relief:

Add a new strategic direction for Infrastructure, and include the following as a strategic objectives under that heading:

The provision of new infrastructure is integrated and co-ordinated with the nature, timing and sequencing of new development.

Alignment between the NESTF and District Plan

37. Submission points 117.043/118.043/119.043 sought the amendments to NU-R2 to align the permitted minor upgrading in the District Plan with the permitted upgrading provided in the NESTF.
38. Likewise, submission points 117.047/118.047/119.047 and 117.049/118.049/119.049 sought the amendments to NU-S1 and NU-S3 to align the permitted sizes in the District Plan with the permitted sizes provided in the NESTF.
39. The Reporting Officer does not support either submission points.
40. The changes sought to NU-R2 were to allow a pole that replaces an existing pole to be 1m higher than the existing pole, limit the size of new antennas to 3.5m in length and 700mm in width, and allow replacement antenna to increase the height of the facility by up to 1m.
41. The changes were to align the minor upgrading permitted under the District Plan with the equivalent of what is permitted under the NESTF.
42. The NESTF applies to all *facility operators*. A facility operator is defined in the NESTF as:
- (a) *a network operator (as defined in section 5 of the Telecommunications Act 2001); or*
 - (b) *the Crown (as defined in section 2(1) of the Public Finance Act 1989); or*
 - (c) *a Crown agent (as defined in section 10(1) of the Crown Entities Act 2004)*
43. Chorus, Spark and Vodafone are all facility operators. However not every business who provides a telecommunications network is a facility operator. Some smaller internet providers, often referred to as Wireless Internet Service Providers or WISPs, operate without being deemed a network operator under the Telecommunications Act 2001. However they meet the definition of a network utility operator under the RMA.

44. As such, WISPs provide a telecommunication infrastructure which would require assessment against the District Plan and not the NESTF.
45. By having differences in the permitted sizes between the District Plan and the NESTF, essentially what happens is the same piece of telecommunications infrastructure, for example an antenna, can be installed by a facility operator under the NESTF as a permitted activity, or installed by a WISP as a network utility operator under the District Plan with a resource consent. However the effects of the antenna are the same. Essentially the NESTF creates a permitted baseline argument for the WISP to utilise in a resource consent application which makes it difficult for a consent planner to turn down or find that the effects are such that notification is required. It also creates additional levels of complexity for a smaller internet provider as they do not have the benefit of the NESTF.
46. Ultimately, my opinion is that the level of effect of an activity permitted under the NESTF is acceptable, and I see no reason for the District Plan to require resource consent for the same piece of infrastructure if it is proposed to be installed by a party who is not a facility operator.
47. Requested Relief:

Amend NU-R2 as follows:

Where the following conditions are met:

a. Limited to:

- i. The realignment, configuration, relocation or replacement of electricity, or telecommunication line pipe, pole, conductors, cross arms, switches, transformers, cabinets or ancillary structures must be:
 - a. within ~~2m~~3m of the existing alignment or location; and*
 - b. within 5m of the existing alignment or location when associated with road widening, road safety or electricity clearance.**
- ii. Alterations and additions to overhead electricity and telecommunication lines on existing poles must not:
 - a. increase the number of conductors or wires/lines by more than 100 percent.*
 - b. exceed a diameter of 50mm; and*
 - c. have additional cross arms that exceed the length of the existing cross arm by more than 100 percent, up to a maximum of 4m.**
- iii. The diameter of a replacement conductor or line must not exceed the diameter of the replaced conductor or line, or 50mm, whichever is the greater.*

- iv. *The addition or replacement of earthwires (either overhead or underground) and underground earthgrids, may contain telecommunication lines and earthpeaks or above ground insulators on the poles.*
 - v. *Any pole that replaces an existing pole must not:*
 - a. *have a diameter or width that is twice that of the replaced pole at its widest point; or*
 - b. *exceed three times the width of the replacement pole at its widest point, where a single pole is replaced with a pi pole; and*
 - c. *have a height exceeding **more than 1m above** the height of the replaced pole or the relevant maximum height limit for above ground structures under NU-S3, whichever is the greater; and*
 - d. *be replaced with a tower.*
 - vi. *There must be no additional towers.*
 - vii. *Any tower that replaces an existing tower must:*
 - a. *not exceed the height of the replaced tower or the maximum height limit for above ground structures under NU-S3, whichever is the greater; and*
 - b. *not have a footprint that exceeds the width of the existing tower by more than 25 percent.*
 - viii. *Up to two additional electricity poles may be installed in existing networks where necessary to achieve conductor clearances required by NZCEP 34:2001.*
 - ix. *The diameter of above ground replacement pipes must not exceed the diameter of the replaced pipe by more than 300mm.*
 - x. *Where a new antenna replaces an existing antenna, the new antenna must not:*
 - a. *exceed **3.5m in length and 700mm in width or** the maximum dimension of the existing antenna by more than 20 percent, **whichever is the greater**; and*
 - b. *where it is a dish antenna, **exceed 1.2m in diameter or** the diameter of the existing antenna by more than 20 percent, **whichever is the greater**; and*
 - c. *where it is attached to a facility, increase the height of the facility **by more than 1m**, unless the height increase is a result of an increase in the size of the new antenna only.*
- b. *Compliance with:*
- i. *NU-S7 (Radio Frequency Fields); and*
 - ii. *NU-S8 (Electric and Magnetic Fields).*

And amend NU-S1 as follows:

<p>Rural Production Zone</p> <p>General Rural Zone</p> <p><u>Rural Lifestyle Zone</u></p>	<p>14. A telecommunications cabinet must not exceed a footprint of 2.5m² <u>5m²</u> and height of 2m <u>2.5m</u>.</p> <p>15. A group of telecommunications cabinets must not exceed a combined footprint of 3m².</p>
<p>Commercial Zone</p> <p>General Industrial Zone</p>	<p>22. A telecommunications cabinet must not exceed a footprint of 2.5m² <u>5m²</u> and height of 2m <u>2.5m</u>.</p> <p>23. A group of telecommunications cabinets must not exceed a combined footprint of 3m².</p>

Removal of Conditions from Designations

48. Chorus and Spark submitted a notice of requirement to rollover a number of existing designations from the Operative District Plan into the PDP. The Reporting Officer provides an accurate summary of request at Section 5.2 of the Designations s42A Report.
49. The Reporting Officer states that they cannot make a recommendation on the request to remove the conditions, and seeks further information from Chorus in regard to *the effects of the removal of the conditions from the designations, including a comparison between the conditions and the performance standards required by the PDP and NESTF*³.
50. In my experience, conditions on telecommunication designations are unnecessary. Chorus have designated sites in all 67 District and Unitary Plan's in New Zealand. Of these plans, only 17 have conditions attached to the designations⁴.
51. As explained in the Notice of Requirement (to rollover existing designations and remove conditions), rather than rely on conditions attached to a designation to control the actual and potential adverse effects of works on a designated site, the Outline Plan process under s176A of the RMA applies.
52. S176A(1) states that *subject to subsection (2), an outline plan of the public work, project, or work to be constructed on designated land must be submitted by the requiring authority to the*

³ Section 5.3 of the Designations s42A Report

⁴ Being Central Hawke's Bay, Auckland, Ashburton, some but not all in Christchurch, Gisborne, some but not all in Hamilton, Hauraki, Horowhenua, Waimate, Gore, Rangitikei, some but not all in Lower Hutt, some but not all in Wellington, Far North, Whangarei, Waipa, Dunedin

territorial authority to allow the territorial authority to request changes before construction is commenced.

53. S176(2) states when an outline plan is not required, being if:
- (a) the proposed public work, project, or work has been otherwise approved under this Act; or*
 - (b) the details of the proposed public work, project, or work, as referred to in subsection (3), are incorporated into the designation; or*
 - (c) the territorial authority waives the requirement for an outline plan.*
54. S176(3) states that an outline plan must show:
- (a) the height, shape, and bulk of the public work, project, or work; and*
 - (b) the location on the site of the public work, project, or work; and*
 - (c) the likely finished contour of the site; and*
 - (d) the vehicular access, circulation, and the provision for parking; and*
 - (e) the landscaping proposed; and*
 - (f) any other matters to avoid, remedy, or mitigate any adverse effects on the environment.*
55. Council can then request changes to be made to the outline plan.
56. In my view, the above provides an ability for any actual or potential adverse effects of a proposal on designated land to be evaluated, discussed, and if possible, changes can be made.
57. In all instances that I have been involved in, the outline plan has included an assessment of environmental effects similar to what is included in a resource consent application, and in doing so has considered any actual and potential adverse effects on neighbouring properties.
58. However, I acknowledge that there is no specific requirement for public participation under the outline plan process, however from my experience, limited or public notification of telecommunications infrastructure is rare. In fact in 15 years of seeking resource consents for telecommunications companies I have never had an application which has resulted in limited or public notification. . Further, Chorus and Spark will engage with neighbours on a voluntary

basis if in their view they consider any addition and alteration work on a designated site could be viewed as contentious.

59. Some of the most publically contentious telecommunication projects that I have been involved in have been for new telecommunication facilities that are permitted activities. Regardless of the RMA requirements, Chorus, Spark and Vodafone, through their consultation process guidelines endorsed by the New Zealand Telecommunications Forum (TCF)⁵, will advise neighbours of proposed works, and will listen to feedback. In instances where a proposal, permitted or not, becomes contentious, in my experience all companies have sought to work with the neighbours in an effort to seek an acceptable solution.
60. The conditions included on the designations in the Operative District Plan set a different permitted activity threshold than what is set in the NESTF and PDP. The s42A Report helpfully provides a comparison between what is allowed by the designation conditions in the Operative District Plan, and what is permitted under the PDP or NESTF. In some instances, the conditions essentially benefit Chorus when compared to the permitted standards. For instance a new building on a designated site in a settlement zone can be 8m under the Operative District Plan conditions, but would require an Outline Plan of Works if above 3.5m if there were no conditions. In my view it is better to have consistency of one set of standards, being the NESTF and PDP permitted standards, as opposed to a third layer introduced solely on designated sites through conditions.
61. I note that other designated sites which include built structures, such as the Ministry of Education and Police designations, do not contain conditions, and that the Reporting Officer is comfortable in those instances. Like the Ministry of Education and Police designations, the Chorus and Spark designations do not contain any change of use to the sites, and the purpose of the designation, which is proposed to be rolled over, has no effect on the environment or persons.
62. Requested Relief:

Rollover the designations as requested in the Notice of Requirement without the conditions

⁵ <https://www.tcf.org.nz/industry/standards-compliance/infrastructure-connections/wireless-facilities-community-engagement/>



Tom Anderson

29 November 2022

**Appendix A - Summary of Telecommunication Companies Submissions Points, Officer
Recommendation and Acceptance/Further Relief Sought to Hearing Stream 7 – Network Utilities,
Noise (Network Utilities), Signs (Network Utilities), Renewable Energy, Transport, and Designations**

CHBDC Submission Number	Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought through submissions	S42A Recommendation	Relief sought through Hearing
Part 1: Introduction and General Provisions						
Definitions						
117.003 118.003 119.003	<i>Aerial</i>	Oppose	The definition of <i>Aerial</i> is unnecessary, as it is the same as Antenna. Preference would be to include one definition, being that of Antenna (as it is the NESTF definition). Essentially at the moment the PDP has two terms (<i>Aerial</i> and <i>Antenna</i>) that cover the same matter. The term <i>Aerial</i> is only used twice in the PDP, and it is suggested that on those two instances, the term <i>Aerial</i> is replaced with <i>Antenna</i> .	Delete the definition of <i>Aerial</i> , and make consequential changes in the PDP to change the term <i>Aerial</i> to <i>Antenna</i>	Accept	Accept Officer's recommendation
117.004 118.004 119.004	<i>Antenna</i>	Support	As above, the definition of <i>Antenna</i> is supported as it is the NESTF definition.	Retain the definition of <i>Antenna</i>	Accept	Accept Officer's recommendation
117.005 118.005 119.005	<i>Cabinet</i>	Support	The definition of <i>Cabinet</i> is supported as it is the NESTF definition.	Retain the definition of <i>Cabinet</i>	Accept	Accept Officer's recommendation
117.006 118.006 119.006	<i>Functional Need</i>	Support	The definition of <i>Functional Need</i> is supported as it is the National Planning Standards definition.	Retain the definition of <i>Functional Need</i>	Accept	Accept Officer's recommendation
117.008 118.008 119.008	<i>Line</i>	Support	The definition of <i>Line</i> is supported as it is the Telecommunications Act 2001 definition.	Retain the definition of <i>Line</i>	Accept in part	Accept Officer's recommendation
117.009 118.009 119.009	<i>Maintenance</i>	Support	In relation to network utilities, the definition is clear as to what is considered to be within the ambit of maintenance	Retain the definition of <i>Maintenance</i>	Accept in part	Amend the definition of Maintenance as follows: <i>MAINTENANCE</i> <i>Specifically in relation to network utilities 'maintenance' means:</i> <i>any replacement, repair or renewal work or activity necessary to continue the operation and/or functioning of an existing network utility. Includes the replacement of an existing line of the same voltage or diameter, building, structure or other facilities with another of the same or similar height, size and scale, within the same or similar position and for the same or similar purpose. It does not include minor upgrading or upgrading.</i>
117.010 118.010 119.011	<i>Mast</i>	Support	The term <i>Mast</i> is used within the Plan in relation to amateur radio configurations and renewable energy, but not telecommunications, which is appropriate, as discussed under the definition of <i>Pole</i> , below.	Retain the definition of <i>Mast</i>	Accept	Accept Officer's recommendation
117.011 118.011 119.011	<i>Nationally Significant Infrastructure</i>	Support in Part	A definition of the term Nationally Significant Infrastructure is appropriate. The matters that are listed in the definition all provide communities with the ability to connect or be serviced by a utility. Telecommunications allows people to connect at a local, regional, national and international level. The national significance of telecommunications is recognised through the presence of the NESTF. Telecommunications is also recognised in the Hawkes Bay Regional Resource Management Plan	Amend the definition of <i>Nationally Significant Infrastructure</i> as follows: <i>means:</i> <i>a. State Highways;</i> <i>b. the National Grid electricity transmission network;</i> <i>c. national renewable electricity generation facilities that connect with the National Grid;</i> <i>d. major gas or oil pipeline services (such as the gas transmission pipeline from Taranaki);</i> <i>e. any railway (as defined in the Railways Act 2005).</i>	Accept	Accept Officer's recommendation

CHBDC Submission Number	Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought through submissions	S42A Recommendation	Relief sought through Hearing
			(which includes the Regional Policy Statement) as <i>Strategic Infrastructure</i> . Including telecommunications in the <i>Nationally Significant Infrastructure</i> is appropriate.	<i>f. Telecommunication networks</i>		
117.012 118.012 119.012	<i>Network Utilities or Network Utility</i>	Support	The definition makes it clear what these terms mean, linking it to the definition of Network Utility Operator in the RMA	Retain the definition of <i>Network Utilities or Network Utility</i>	Accept	Accept Officer's recommendation
117.013 118.013 119.013	<i>Network Utility Operator or Network Utility Operation</i>	Support	The definition of <i>Network Utility Operator or Network Utility Operation</i> is supported as it is the RMA definition of Network Utility Operator.	Retain the definition of <i>Network Utility Operator or Network Utility Operation</i>	Accept	Accept Officer's recommendation
117.014 118.014 119.014	<i>Operational Need</i>	Support	The definition of <i>Operational Need</i> is supported as it is the National Planning Standards definition.	Retain the definition of <i>Operational Need</i>	Accept	Accept Officer's recommendation
117.015 118.015 119.015	<i>Pole</i>	Support in Part	As above, the definition of <i>Pole</i> is supported as it is the NESTF definition. This should be recognised in the District Plan, as it is for the terms <i>Antenna</i> and <i>Cabinet</i>	Amend the definition of <i>Pole</i> as follows: <i>has the same meaning as in clause 4 of the NES-TF (as set out in the box below)</i> <i>pole, mast, lattice tower, or similar structure, of a kind that is able to be used (with or without modification) to support antennas. [box to be inserted around NESTF words as per other definitions]</i>	Accept	Accept Officer's recommendation
117.016 118.016 119.016	<i>Radio Communication Facilities</i>	Support in Part	Radiocommunication can be utilised by Vodafone. The definition of radiocommunication facilities is supported, but should be supported by a definition of what Radiocommunication is. Radiocommunication is defined in the Radiocommunications Act 1989, and should be included in the District Plan.	Retain the definition of <i>Radio Communication Facilities</i> (noting that it should be <i>radiocommunication and not Radio Communication</i> in order to be consistent with the Radiocommunications Act 1989, and this needs to be consistent throughout the PDP). Add a new definition of <i>Radiocommunication</i> as follows: <i>has the same meaning as in the Radiocommunications Act 1989 (as set out in the box below)</i> <i>means any transmission or reception of signs, signals, writing, images, sounds, or intelligence of any nature by radio waves [box to be inserted around Radiocommunications Act 1989 words as per other definitions]</i>	Accept	Accept Officer's recommendation
117.019 118.019 119.019	<i>Small Cell Unit</i>	Support	The definition of <i>Small Cell Unit</i> is supported as it is the NESTF definition.	Retain the definition of <i>Small Cell Unit</i>	Accept	Accept Officer's recommendation
117.021 118.021 119.021	<i>Telecommunication</i>	Support	The definition of <i>Telecommunication</i> is supported as it is the Telecommunication Act 2001 definition.	Retain the definition of <i>Telecommunication</i>	Accept	Accept Officer's recommendation
117.022 118.022 119.022	<i>Upgrading</i>	Amend	Add a definition of Upgrading	Rule ECO-R3(1)(b)(vi) permits the <i>trimming or clearance of indigenous vegetation inside any area of significant indigenous vegetation and/or significant habitat of indigenous fauna (excluding natural wetlands)...that is...necessary to provide for the ongoing safe and efficient operation, maintenance and upgrading of telecommunication, radio communication and other network utilities, but excluding their expansion, where carried out by the respective network utility operator.</i>	Accept in Part	Accept Officer's recommendation

CHBDC Submission Number	Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought through submissions	S42A Recommendation	Relief sought through Hearing
				In order to understand the limits of this rule, a definition of upgrading is needed. As such the following definition is proposed <u>Upgrading means in relation to network utilities, means increasing the carrying capacity, efficiency, security, or safety of a network utility, where it does not result in a permanent change to the location of a structure.</u>		
Abbreviations						
117.023 118.023 119.023	<i>NES-TF = Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016</i>	Support in Part	Typically, the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 are abbreviated as NESTF. For consistency with other District Plans, this is suggested for Central Hawkes Bay.	Amend the abbreviation for the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016as follows: <u>NES-TF NESTF = Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016</u> [subsequent changes will be necessary throughout the PDP for consistency]	Accept	Accept Officer's recommendation
Part 2: District Wide Matters						
Strategic Direction						
117.025 118.025 119.025	New Strategic Direction for Infrastructure, with relevant Objectives.	Amend	Within the strategic objectives there is no infrastructure recognition except for urban form and development. The majority of the Central Hawkes Bay District is Rural, which requires infrastructure as well as urban areas. A balance is needed, particularly given the critical nature of infrastructure for modern living, regardless of whether people are residing in urban or rural areas. Including Infrastructure as a Strategic Direction, with subsequent Strategic Objectives, provides a clear message to plan users as to the strategic nature of infrastructure across the District as a whole.	Add a new strategic direction for <i>Infrastructure</i> , and include the following as Strategic Objectives under that heading: <u>1. The social, economic, environmental and cultural benefits of infrastructure are recognised and provided for, and its safe, efficient and effective development, upgrade, maintenance and operation is enabled;</u> <u>2. Infrastructure, including its role and function, is protected from incompatible development and activities; and</u> <u>3. The adverse effects of infrastructure on the surrounding environment are managed, having regard to the economic benefits and the technical, functional and operational needs of infrastructure.</u>	Reject	Add a new Strategic Objective for infrastructure integration as follows: <u>The provision of new infrastructure is integrated and co-ordinated with the nature, timing and sequencing of new development.</u>
Network Utilities						
117.026 118.026 119.026	<i>Initial Statement</i>	Support	The initial statement that <i>The provisions in this chapter override the respective Zone provisions in Part 3 Area-Specific Matters, unless otherwise specified in this chapter</i> provides clarity and supports the statements made in the Introduction and General Provisions section in Part 1 of the PDP	Retain the Initial Statement	Accept	Accept Officer's recommendation
117.027 118.027 119.027	<i>Introduction</i>	Support	The introduction is supported. It highlights the function of telecommunications and radiocommunications, highlights the need for customer connections, and reinforces the applicability of the NESTF (noting that the	Retain the <i>Introduction</i> section, noting the need to ensure NESTF references align with NES-TF as per the abbreviation section of the PDP.	Accept	Accept Officer's recommendation

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			abbreviation in this introduction does not align with the abbreviations section of the PDP)			
117.028-030 118.028-030 119.028-030	Issues	Support	The three issues raised in the Issues section provide context for the Objectives proposed in the PDP.	Retain the <i>Issues</i> section	Accept	Accept Officer's recommendation
117.031 118.031 119.031	<i>NU-O1 Recognise and provide for safe, effective, efficient and resilient network utilities throughout the District that provide essential and secure services, including in emergencies, that enable people and communities to provide for their health, safety and wellbeing.</i>	Support in Part	NU-O1 as proposed covers the same matters as best practice provision IE-O1, although IE-O1 provides greater context as to why network utilities should be safe, effective, efficient and resilient. See wording in body of submission to explain why best practice provisions should be utilised.	Delete <i>NU-O1</i> in its entirety, and replace it with IE-O1 from the best practice provisions attached in Appendix A.	Accept in part	Accept Officer's recommendation
117.032 118.032 119.032	<i>NU-O2 The adverse effects of network utilities on the environment are avoided, remedied or mitigated, while recognising the functional and operational needs of network utilities (including those associated with their scale, design and locational requirements).</i>	Support in Part	NU-O2 aligns with IE-O2 of the best practice provisions, although does not require consideration of the positive effects that network utilities can have. The definition of effect in the RMA includes positive effects.	Delete <i>NU-O2</i> in its entirety, and replace it with IE-O2 from the best practice provisions attached in Appendix A.	Reject	Accept Officer's recommendation
117.033 118.033 119.033	<i>NU-O3 The safety, maintenance, upgrade or development of network utilities is not compromised by incompatible subdivision, land use or development, including the potential for reverse sensitivity effects.</i>	Support in Part	The intention of NU-O3, in that it provides for Reverse Sensitivity is supported, but the objective should be made to be more explicit, as per Objective 3 (IE-O3) in the best practice provisions.	Delete <i>NU-O3</i> in its entirety, and replace it with IE-O3 from the best practice provisions attached in Appendix A.	Reject	Accept Officer's recommendation
117.034 118.034 119.034	<i>NU-P1 Recognise the national, regional and local importance and benefits of network utilities, including as lifeline utilities during an emergency...</i>	Support in Part	While the intention of NU-P1 is generally well aligned with IE-P1 of the best practice provisions, the second part of IE-P1 of the best practice provisions is more prescriptive than what exists in NU-P1 of the Proposed District Plan.	Delete <i>NU-P1</i> in its entirety, and replace it with IE-P1 from the best practice provisions attached in Appendix A.	Reject	Accept Officer's recommendation
117.035 118.035 119.035	<i>NU-P2 Avoid adverse effects of upgrades to, and the development of new, network utilities on the values and attributes of areas identified in the District Plan as</i> 1. <i>Historical Heritage Items (in HH-SCHED2) and Notable Trees (in TREE-SCHED4);</i>	Support in Part	The intention of NU-P2 is generally well aligned with IE-P5 (supported by IE-P7) of the best practice provisions.	Delete <i>NU-P2</i> in its entirety, and replace it with IE-P5 from the best practice provisions attached in Appendix A.	Reject	Accept Officer's recommendation

CHBDC Submission Number	Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought through submissions	S42A Recommendation	Relief sought through Hearing
	<p>2. <i>Wāhi Tapu, Wāhi Taonga and Sites and Areas of Significance to Māori (in SASM-SCHED3);</i></p> <p>3. <i>Significant Natural Areas (in ECO-SCHED5); and</i></p> <p>4. <i>Outstanding Natural Features and Landscapes (in NFL-SCHED6);</i></p> <p><i>while recognising the extent to which adverse effects can be avoided, may be constrained by a network utility's functional or operational needs.</i></p>					
117.036 118.036 119.036	<p><i>NU-P3 Avoid significant adverse effects and remedy or mitigate other adverse effects of upgrades to, and the development of new, network utilities on the values and attributes of areas identified in the District Plan as:</i></p> <p>1. <i>High Natural Character Areas (in CE-SCHED7); and</i></p> <p>2. <i>Significant Amenity Features (in NFL-SCHED6);</i></p>	Support in Part	The intention of NU-P3 is generally well aligned with IE-P7 of the best practice provisions.	Delete <i>NU-P3</i> in its entirety, and replace it with IE-P7 from the best practice provisions attached in Appendix A.	Reject	Accept Officer's recommendation
117.037 118.037 119.037	<i>NU-P4 Manage the effects of network utilities on the environment by...</i>	Support in Part	The intention of NU-P4 is generally well aligned with IE-P4 of the best practice provisions. However for consistency IE-P4 of the best practice provisions should be used in the PDP.	Delete <i>NU-P4</i> in its entirety, and replace it with IE-P4 from the best practice provisions attached in Appendix A.	Reject	Accept Officer's recommendation
117.038 118.038 119.038	<i>NU-P5 To protect network utilities from the adverse effects of subdivision, use and development that may constrain or compromise the safe, effective, secure and efficient operation, maintenance, upgrading and development of network utilities, and the safety and amenity values of people and the community, including by...</i>	Support in Part	The intention of NU-P5 is generally well aligned with IE-P8 of the best practice provisions. However for consistency IE-P8 of the best practice provisions should be used in the PDP.	Delete <i>NU-P5</i> in its entirety, and replace it with IE-P8 from the best practice provisions attached in Appendix A.	Reject	Accept Officer's recommendation
117.039 118.039 119.039	Proposed new policy – network utilities, land	Amend	While the proposed policies within the PDP (with proposed amendments) provide direction in terms of effects management in most day to day	Add a new policy, being IE-P2 from the best practice provisions attached in Appendix A.	Reject	Accept Officer's recommendation

CHBDC Submission Number	Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought through submissions	S42A Recommendation	Relief sought through Hearing
	use, subdivision, development and growth		situations, ensuring co-ordination with the development of land where demand for telecommunications (and network utilities more generally) is helpful.			
117.040 118.040 119.040	Proposed new policy – technological advances	Amend	Telecommunications technology typically advances at a fast rate, evolving throughout the lifetime of a District Plan. Recognition that technologies can change is a useful provision for a District Plan to have.	Add a new policy, being IE-P3 from the best practice provisions attached in Appendix A.	Reject	Accept Officer's recommendation
117.041 118.041 119.041	Proposed new policy: Effects management in Natural Hazard Areas	Amend	The proposed policies within the PDP do not provide guidance as to what Plan users must consider if telecommunications or any network utilities have a functional or operational need to be located in a hazard area. While some guidance is provided in the Natural Hazards chapter, further guidance in the Network Utilities chapter is appropriate.	Add a new policy, being IE-P6 from the best practice provisions attached in Appendix A.	Reject	Accept Officer's recommendation
117.042 118.042 119.042	<i>NU-R1 Operation, maintenance, replacement, and removal of existing network utilities (that are not regulated by an NES)</i>	Support	The rule is appropriate, including the matters of discretion should standards be exceeded.	Retain Rule <i>NU-R1</i>	Accept	Accept Officer's recommendation
117.043 118.043 119.043	<i>NU-R2 Minor upgrading of existing network utilities</i>	Support	It is appropriate to have provision for minor upgrading of network utilities. Some minor tweaks are sought to better align with permitted upgrading under the NESTF.	Amend NU-R2 as follows: <i>Where the following conditions are met:</i> <i>a. Limited to:</i> <i>i. The realignment, configuration, relocation or replacement of electricity, or telecommunication line pipe, pole, conductors, cross arms, switches, transformers, cabinets or ancillary structures must be:</i> <i>a. within 2m3m of the existing alignment or location; and</i> <i>b. within 5m of the existing alignment or location when associated with road widening, road safety or electricity clearance.</i> <i>ii. Alterations and additions to overhead electricity and telecommunication lines on existing poles must not:</i> <i>a. increase the number of conductors or wires/lines by more than 100 percent.</i> <i>b. exceed a diameter of 50mm; and</i> <i>c. have additional cross arms that exceed the length of the existing cross arm by more than 100 percent, up to a maximum of 4m.</i> <i>iii. The diameter of a replacement conductor or line must not exceed the diameter of the replaced conductor or line, or 50mm, whichever is the greater.</i> <i>iv. The addition or replacement of earthwires (either overhead or underground) and underground earthgrids, may contain telecommunication lines and earthpeaks or above ground insulators on the poles.</i> <i>v. Any pole that replaces an existing pole must not:</i>	Reject	Amend NU-R2 as per what was sought in the submission.

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				<p>a. have a diameter or width that is twice that of the replaced pole at its widest point; or</p> <p>b. exceed three times the width of the replacement pole at its widest point, where a single pole is replaced with a pi pole; and</p> <p>c. have a height exceeding more than 1m above the height of the replaced pole or the relevant maximum height limit for above ground structures under NU-S3, whichever is the greater; and</p> <p>d. be replaced with a tower.</p> <p>vi. There must be no additional towers.</p> <p>vii. Any tower that replaces an existing tower must:</p> <p>a. not exceed the height of the replaced tower or the maximum height limit for above ground structures under NU-S3, whichever is the greater; and</p> <p>b. not have a footprint that exceeds the width of the existing tower by more than 25 percent.</p> <p>viii. Up to two additional electricity poles may be installed in existing networks where necessary to achieve conductor clearances required by NZCEP 34:2001.</p> <p>ix. The diameter of above ground replacement pipes must not exceed the diameter of the replaced pipe by more than 300mm.</p> <p>x. Where a new antenna replaces an existing antenna, the new antenna must not:</p> <p>a. exceed 3.5m in length and 700mm in width or the maximum dimension of the existing antenna by more than 20 percent, whichever is the greater; and</p> <p>b. where it is a dish antenna, exceed 1.2m in diameter or the diameter of the existing antenna by more than 20 percent, whichever is the greater; and</p> <p>c. where it is attached to a facility, increase the height of the facility by more than 1m, unless the height increase is a result of an increase in the size of the new antenna only.</p> <p>b. Compliance with:</p> <p>i. NU-S7 (Radio Frequency Fields); and</p> <p>ii. NU-S8 (Electric and Magnetic Fields).</p>		
<p>117.044 118.044 119.044</p>	<p>NU-R3 Construction of new network utilities, and upgrading of existing network utilities (that are not regulated by an NES) – within the National Grid Yard (other than for the reticulation and storage of water for irrigation purposes carried out by a network utility operator)</p>	Support	The rule is appropriate, including the matters of discretion should standards be exceeded.	Retain Rule NU-R3	Accept in part	Accept Officer’s recommendation
<p>117.045 118.045 119.045</p>	<p>NU-R4 Construction of new network utilities, and upgrading of existing</p>	Support	The rule is appropriate, including the matters of discretion should standards be exceeded.	Retain Rule NU-R4	Accept	Accept Officer’s recommendation

CHBDC Submission Number	Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought through submissions	S42A Recommendation	Relief sought through Hearing						
	<i>network utilities (that are not regulated by an NES), not already provided for in NU-R3 (within the National Grid Yard)</i>											
117.046 118.046 119.046	<i>NU-R8 Navigational aids, sensing and environmental monitoring equipment (including air quality and meteorological monitoring structures and devices)</i>	Support	The rule is appropriate, including the matters of discretion should standards be exceeded.	Retain Rule <i>NU-R8</i>	Accept	Accept Officer's recommendation						
117.047 118.047 119.047	<i>NU-S1 Gross Floor Area and Dimensions</i>	Support in Part	NU-S1 provides clear dimension limits for telecommunications infrastructure, and aligns well with the NESTF. Some minor changes are sought to better provide for current telecommunications technologies and ensure alignment with the NESTF. Further a change to the title is suggested to widen the understanding as to what it is that the standard covers, as it is more than just GFA.	Amend NU-S1 as follows: <i>NU-S1 Gross Floor Area and Structure Dimensions</i> <table border="1"> <tr> <td><i>General Residential Zone Settlement Zone Rural Lifestyle Zone Large Lot Residential Zone (Coastal)</i></td> <td>[Leave as is]</td> </tr> <tr> <td><i>Rural Production Zone General Rural Zone Rural Lifestyle Zone</i></td> <td>14. A telecommunications cabinet must not exceed a footprint of $2.5m^2$ 5m² and height of $2m$ 2.5m. 15. A group of telecommunications cabinets must not exceed a combined footprint of $3m^2$.</td> </tr> <tr> <td><i>Commercial Zone General Industrial Zone</i></td> <td>22. A telecommunications cabinet must not exceed a footprint of $2.5m^2$ 5m² and height of $2m$ 2.5m. 23. A group of telecommunications cabinets must not exceed a combined footprint of $3m^2$.</td> </tr> </table>	<i>General Residential Zone Settlement Zone Rural Lifestyle Zone Large Lot Residential Zone (Coastal)</i>	[Leave as is]	<i>Rural Production Zone General Rural Zone Rural Lifestyle Zone</i>	14. A telecommunications cabinet must not exceed a footprint of $2.5m^2$ 5m² and height of $2m$ 2.5m . 15. A group of telecommunications cabinets must not exceed a combined footprint of $3m^2$.	<i>Commercial Zone General Industrial Zone</i>	22. A telecommunications cabinet must not exceed a footprint of $2.5m^2$ 5m² and height of $2m$ 2.5m . 23. A group of telecommunications cabinets must not exceed a combined footprint of $3m^2$.	Accept in part	Amend NU-S1 as per what was sought in the submission.
<i>General Residential Zone Settlement Zone Rural Lifestyle Zone Large Lot Residential Zone (Coastal)</i>	[Leave as is]											
<i>Rural Production Zone General Rural Zone Rural Lifestyle Zone</i>	14. A telecommunications cabinet must not exceed a footprint of $2.5m^2$ 5m² and height of $2m$ 2.5m . 15. A group of telecommunications cabinets must not exceed a combined footprint of $3m^2$.											
<i>Commercial Zone General Industrial Zone</i>	22. A telecommunications cabinet must not exceed a footprint of $2.5m^2$ 5m² and height of $2m$ 2.5m . 23. A group of telecommunications cabinets must not exceed a combined footprint of $3m^2$.											
117.048 118.048 119.048	<i>NU-S2 Setbacks</i>	Support in Part	A setback for structures is generally supported, in order to assist in the mitigation of bulk and dominance. However telecommunication pole facilities are typically slim, and do not create the bulk and dominance effect wider structures can have. As such, an exemption is sought for pole structures within the standard. It is noted there is no setback standard for structures in legal road, and a pole structure that is on a private site will give rise to similar negligible effects to a pole structure on legal road which has no setback requirement.	Amend NU-S2 as follows: <table border="1"> <tr> <td><i>General Residential Zone Settlement Zone Rural Lifestyle Zone Large Lot Residential Zone (Coastal)</i></td> <td>1. Any part of an above ground building or structure (located outside road reserve) must be set back from the site boundary (excluding road boundaries) by a minimum distance of – 1.5m. Except that: a. This standard does not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles.</td> </tr> <tr> <td><i>Rural Production Zone General Rural Zone</i></td> <td>2. Any part of an above ground building or structure located within road reserve – No setback requirement. 3. Any part of an above ground building or structure (located outside road reserve) must be set back from the site boundary (excluding road boundaries) by a minimum of – 5m. Except that:</td> </tr> </table>	<i>General Residential Zone Settlement Zone Rural Lifestyle Zone Large Lot Residential Zone (Coastal)</i>	1. Any part of an above ground building or structure (located outside road reserve) must be set back from the site boundary (excluding road boundaries) by a minimum distance of – 1.5m. Except that: a. This standard does not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles.	<i>Rural Production Zone General Rural Zone</i>	2. Any part of an above ground building or structure located within road reserve – No setback requirement. 3. Any part of an above ground building or structure (located outside road reserve) must be set back from the site boundary (excluding road boundaries) by a minimum of – 5m. Except that:	Accept	Accept Officer's recommendation		
<i>General Residential Zone Settlement Zone Rural Lifestyle Zone Large Lot Residential Zone (Coastal)</i>	1. Any part of an above ground building or structure (located outside road reserve) must be set back from the site boundary (excluding road boundaries) by a minimum distance of – 1.5m. Except that: a. This standard does not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles.											
<i>Rural Production Zone General Rural Zone</i>	2. Any part of an above ground building or structure located within road reserve – No setback requirement. 3. Any part of an above ground building or structure (located outside road reserve) must be set back from the site boundary (excluding road boundaries) by a minimum of – 5m. Except that:											

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				<p><i>a. This standard does not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles.</i></p> <p>4. Any part of an above ground building or structure located within road reserve – No setback requirement.</p> <p>5. No setback requirement.</p>		
				Commercial Zone General Industrial Zone		
117.049 118.049 119.049	NU-S3 Height for Above Ground Buildings and Structures	Support in part	<p>The proposed heights for antennas attached to buildings should align with the NESTF (5m above the part of the building to which it is attached, and in Residential Zones only applies if the building is 15m or higher).</p> <p>The proposed height for antennas attached to poles should be increased so that they are at least 5m above the permitted building height in each zone (with the exception of the Rural zones).</p> <p>This assists in providing better coverage, as the antennas are above structures such as buildings which can interfere with their efficacy.</p> <p>In all Rural Zones (Rural Lifestyle, Rural Production, General Rural and Settlement), the pole height should be 25m to align with the NESTF.</p> <p>GPS antenna, which have a very small size, with effects akin to a lightning rod, should also be excluded from meeting the permitted height standard.</p> <p>It is unclear what the reference to Clause 4 is in standards 6, 7 and 8.</p> <p>The exception in ONF and ONL which has a smaller building height is not practicable for the addition of telecommunication facilities to existing structures/buildings. Removing the exception and making it easier for such facilities to be attached to existing buildings in these areas encourages consolidation of structures in areas where they are not readily expected.</p> <p>The height sought in industrial areas is considered appropriate as it encourages telecommunication companies who need new high facilities to be located in a zone where the amenity is lower, and power and fibre is typically available.</p>	<p>Amend NU-S3 as follows:</p> <p><i>Within road reserve or rail corridor – All Zones</i></p> <p>1. Above ground buildings adjoining the General Residential Zone, Settlement Zone, Rural Lifestyle Zone or Large Lot Residential Zone (Coastal) must not exceed a height of 2.3m.</p> <p>2. Above ground buildings adjoining any other zone must not exceed a height of 3.5m.</p> <p><i>Note: See standards below applying to above ground structures for the various zones (including where they are located within road reserve and the rail corridor)</i></p> <p>3. Above ground buildings (where located outside road reserve and the rail corridor) must not exceed a height of 3.5m.</p> <p>4. Where an antenna is can <u>only be attached to a building, the antenna and building must not exceed a combined height of 8.5m. If that building is 1.5m high. The top of the antenna must not be more than 5m above the point of the building to which it is attached.</u></p> <p>5. Above ground structures (poles, towers, and telecommunication poles, including combined height of pole and antenna) must not exceed a height of 11.5m <u>13m</u>.</p> <p><i>Except that:</i></p> <p>a. Omni directional 'whip' or dipole antenna that complies with the dimensions in Standard NU-S1 are excluded from the 'combined height' (i.e. only the pole needs to comply with the maximum structure height standard).</p> <p>b. Lightning rods <u>and GPS antenna</u> are exempt from the</p>	Accept in part	Accept Officer's recommendation

CHBDC Submission Number	Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought through submissions		S42A Recommendation	Relief sought through Hearing
				<p>Rural Production Zone <u>Settlement Zone</u> <u>Rural Lifestyle Zone</u> General Rural Zone</p>	<p>maximum structure height standard.</p> <p>6. Except as excluded in clause 4. below, above ground buildings (where located outside road reserve and the rail corridor) must not exceed a height of 5m. Except that: a. Where located within an Outstanding Natural Landscape or Outstanding Natural Feature identified in NFL-SCHED6, they must not exceed a height of 3m.</p> <p>7. Except as excluded in Clause 4 below, where an antenna is attached to a building, the top of the antenna and building must not exceed a combined height 8.5m must not be more than 5m above the point of the building to which it is attached. Except that: a. Where located within an Outstanding Natural Landscape or Outstanding Natural Feature identified in NFL-SCHED6, the antenna and building must not exceed a combined height of 6.5m.</p> <p>8. Except as excluded in clause 4. below, above ground structures (poles, towers and telecommunication poles, including combined height of pole and antenna) must not exceed a height of 25m. Except that: a. Omni directional 'whip' or dipole antenna that complies with the dimensions in Standard NU-S1 are excluded from the 'combined height' (i.e. only the pole needs to comply with the maximum structure height standard). b. Lightning rods and GPS antennas are exempt from the maximum structure height standard.</p> <p>9. Above ground buildings and structures in the Rural Production Zone must comply with Standard RPROZ-S13 Buildings and structures by Waipukurau Aerodrome.</p>		

CHBDC Submission Number	Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought through submissions	S42A Recommendation	Relief sought through Hearing
				<p>Commercial Zone General Industrial Zone</p> <p>10. Above ground buildings (where located outside road reserve and the rail corridor) must not exceed a height of 5m.</p> <p>11. Where an antenna is attached to a building, the top of the antenna and building must not exceed a combined height 8.5m must not be more than 5m above the point of the building to which it is attached.</p> <p>12. Above ground structures (poles, towers, and telecommunication poles, including combined height of pole and antenna) must not exceed a height of 15m 25m. Except that: a. Omni directional 'whip' or dipole antenna that complies with the dimensions in Standard NU-S1 are excluded from the 'combined height' (i.e. only the pole needs to comply with the maximum structure height standard). b. <u>Lightning rods and GPS antenna</u> are exempt from the maximum structure height standard.</p>		
117.050 118.050 119.050	NU-S4 Height in Relation to Boundary	Support in Part	Like for NU-S2, a setback for structures, which is what a height in relation to boundary control essentially is, is generally supported as it assists in the mitigation of bulk and dominance effects. However telecommunication pole facilities are typically slim, and do not create the bulk and dominance effect wider structures can have. As such, an exemption is sought for pole structures within the standard.	<p>Amend NU-S4 by adding the following exemption:</p> <p>1. <i>Above ground buildings or structures (except those located within road reserve) must not exceed a height of 2m plus the shortest horizontal distance between that part of the building or structure and the nearest site boundary (but excluding a road boundary).</i> <i>Except that:</i> a. <i>Where the nearest site boundary immediately adjoins an access or part of an access held in the same ownership (wholly or partly) as the site on which the above ground building or structure is located, or it adjoins a registered right of way in favour of the site of the building or structure, the height in relation to boundary must be measured from the far side of the access or right of way.</i> <i>b. This standard does not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles.</i></p>	Accept	Accept Officer's recommendation
117.051 118.051 119.051	NU-S5 Access, Parking and Loading	Support in Part	Whilst it is appropriate that any new accesses comply with the relevant transport provisions of the PDP, having a threshold based on area should be replaced by whether or not the activity on the site demands a new access or not. Minimum parking or loading requirements are not necessary for telecommunications companies, as the operator will	<p>Amend NU-S5 as follows:</p> <p>1. <u>Any activity which requires a new vehicle access</u>Activities on sites greater than 200m² in area must comply with the relevant <u>vehicle access</u> provisions of the TRAN – Transport chapter for access, parking and loading.</p>	Reject	Accept Officer's recommendation

CHBDC Submission Number	Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought through submissions	S42A Recommendation	Relief sought through Hearing
			provide on site parking or loading to meet the demands of the activity.			
<i>117.068</i> <i>118.068</i>	<i>Chorus and Spark Designations</i>	Amend	Delete conditions from the designations, and rely on the Outline Plan of Works process		Seeks more information	Remove conditions from Chorus and Spark designations.

Note - there were no telecommunication submission points that were raised in the Renewable Energy and Transport s42A Reports